

1 **OMID KHORSHIDI, ESQ., Bar No. 220799**

2 KHORSHIDI LAW FIRM
3 9454 Wilshire Blvd, Suite 702
4 Beverly Hills, California 90212
5 Telephone: (310) 273-2211
6 Facsimile: (310) 273-2240

7 Attorneys for Plaintiff,
8 WILLIAM RUETH

9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 WILLIAM RUETH

13 Plaintiff,

14 vs.

15 HARRAH'S RINCON CASINO AND
16 RESORT, a business entity, form unknown;
17 HCAL CORPORATION, a corporation;
18 HARRAH'S ENTERTAINMENT, INC., a
19 corporation; HARRAH'S OPERATING
20 COMPANY, INC., a corporation; RINCON
21 BAND OF LUISENO INDIANS, a business
22 entity, form unknown; and DOES 1 to 50,
23 inclusive.

24 Defendants.

25 CASE NO.: **'11CV0772 LAB -RBB**

26 **COMPLAINT FOR DAMAGES**
27 **FOR NEGLIGENCE**
28 **(DANGEROUS CONDITIONS -**
PREMISES LIABILITY)

DEMAND FOR JURY TRIAL

COMES NOW PLAINTIFF, WILLIAM RUETH, AND FOR HIS CAUSE(S) OF
ACTION AGAINST THE DEFENDANTS AND EACH OF THEM, ALLEGES AS FOLLOWS:

PRELIMINARY STATEMENT

1. This lawsuit seeks redress on behalf of the William Rueth for injuries and damages he sustained as a result of slip and fall at the Harrah's Rincon Casino and Resort.

JURISDICTION

2. Plaintiff is a citizen of the State of California and defendants are corporations incorporated under the laws Nevada and Delaware which have their principal places of business in a State other than the State of California. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332, which is \$75,000.

COMPLAINT FOR DAMAGES FOR NEGLIGENCE (DANGEROUS CONDITIONS - PREMISES LIABILITY)

VENUE

3. Venue for this case is proper in the Southern District of California under Title 28 United States Code § 1391(c) because defendants are corporations which shall be deemed to reside in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced and 28 USC § 1391(a)(2) because a substantial part of the events or omissions' on which the claims are based occurred in this district.

4. All the acts complained of herein occurred in Valley Center City, County of San Diego, State of California.

PLAINTIFF

5. Plaintiff is an individual who is a competent adult and is now, and at all times mentioned in this complaint was, a resident of Los Angeles County, California.

DEFENDANTS

6. Defendant HARRAH'S ENTERTAINMENT, INC. is now, and at all times mentioned in this complaint was, a corporation organized and existing under the laws of Delaware, and, on information and belief, is authorized to do business in California, with its principle place of business in California unknown, doing business in San Diego County.

7. Defendant HCAL CORPORATION is now, and at all times mentioned in this complaint was, a corporation organized and existing under the laws of Nevada, and, on information and belief, is authorized to do business in California, with its principle place of business in California unknown, doing business in San Diego County. HCAL Corporation is a wholly owned subsidiary of defendant Harrah's Entertainment, Inc.

8. Defendant HARRAH'S OPERATING COMPANY, INC. is now, and at all times mentioned in this complaint was, a corporation organized and existing under the laws of Delaware, and authorized to do business in California, with its principle place of business in California unknown, doing business in San Diego County. Harrah's Operating Company, Inc. is a wholly owned subsidiary of defendant Harrah's Entertainment, Inc.

///

///

- 1 9. At all times mentioned in this complaint, Defendants, and each of them, on information
2 and belief, planned, financed, constructed, staffed, managed, promoted, owned, operated
3 and controlled a for-profit Casino known as Harrah's Rincon Casino which is located on
4 the Rincon Indian Reservation near Valley Center in San Diego, California.
- 5 10. At all times herein mentioned defendants, and each of them, owned, maintained,
6 controlled, repaired, inspected, operated, and managed the business premises known as
7 Harrah's Rincon Casino and Resort located at 777 Harrah's Rincon Way, city of Valley
8 Center, County of San Diego, State of California.
- 9 11. The hotel and casino is owned and controlled by the Rincon San Luiseno Band of
10 Mission Indians aka Rincon Band of Luiseno Indians Tribe.
- 11 12. Defendant RINCON BAND OF LUISENO INDIANS ("RINCON" or "Defendant") is
12 business entity located within the County of San Diego, and within this judicial district.
- 13 13. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES
14 1-50, inclusive, and therefore, sues these defendants by such fictitious names.
- 15 14. Plaintiff is informed and believes and thereon alleges that defendants, and each of them
16 and DOES 1 through 50, inclusive, are and at all times herein mentioned were, a business
17 entity licensed and authorized to do business in the County of San Diego, State of
18 California.
- 19 15. At all times herein mentioned, each defendant was the agent, servant, and employee of
20 the remaining co-defendants, and in doing the acts as alleged herein, was acting within
21 the course and scope of such agency, employment, with the knowledge, consent and
22 permission of the remaining co-defendants.
- 23 16. Plaintiff is informed and believes that the Doe defendants are California residents or
24 business entities formed and existing under the laws of California or authorized to do
25 business in California and that these Doe defendants participated in the conduct alleged in
26 this complaint and are jointly and severally responsible for the damages sustained.
27 Plaintiff will amend this complaint to allege their true names and capacities when
28 ascertained.

1 17. At all times pertinent herein, each Defendant is sued as the agent, employee, or
2 representative of the remaining Defendants and/or the Rincon Tribe, and Plaintiff is
3 informed and believes these Defendants were acting at least in part within the scope of
4 authority of such relationship while doing or omitting to do such acts alleged in this
5 complaint and with the consent approval and/or ratification of all other Defendants and/or
6 the Rincon Tribe, which establishes either direct or vicarious liability, and that all
7 Defendants and/or the Rincon Tribe have encouraged, permitted, aided or abetted and or
8 conspired together to commit the wrongful acts and omissions being asserted in this
9 complaint which have caused Plaintiff's injuries.

10 18. Plaintiff is informed and believes and thereon alleges that defendants, and each of them
11 and DOES 1 through 50, inclusive, are and at all times herein mentioned were, a business
12 entity licensed and authorized to do business in the County of San Diego, State of
13 California.

14 19. At all times herein mentioned, each defendant was the agent, servant, and employee of
15 the remaining co-defendants, and in doing the acts as alleged herein, was acting within
16 the course and scope of such agency, employment, with the knowledge, consent and
17 permission of the remaining co-defendants.

18 20. That the true names and capacities, whether individual, corporate, associate or otherwise,
19 of defendants DOES 1 through 50, inclusive, are unknown to plaintiff at this time, who
20 therefore sues said defendants by such fictitious names, and that when the true names and
21 capacities of said defendants are ascertained, plaintiff will amend this Complaint
22 accordingly; plaintiff is informed and believes and thereon alleges that each of the
23 defendants designated herein as DOE is responsible in some manner for the events and
24 happening herein referred to and caused injuries and damages proximately thereby to
25 plaintiff, as herein alleged.

26 21. This Court is the proper Court because injury to Plaintiff occurred in its jurisdictional
27 area.

28 ///

FIRST CAUSE OF ACTION

(Personal Injury/Negligence as against Defendants and DOES 1-50, inclusive for Premises Liability and General Negligence)

22. Plaintiff realleges and incorporate herein by reference each and every allegation contained in paragraphs 1 through 20, as fully set forth herein.

23. This action is brought pursuant to the tort liability ordinance setting forth terms and conditions under which the Tribe waives immunity to suit for money damages resulting from intentional or negligent injuries to persons or property at the gaming facility or in connection with the Tribe's gaming operation, including procedures for processing any claims for such money damages

24. That on or about April 12, 2009, plaintiff was lawfully on defendants' premises for the mutual benefit of plaintiff and the defendants, and each of them.

25. At the aforementioned time and place, defendants, and each of them, so negligently maintained, owned, managed, controlled and repaired the hotel tub and shower glass on the premises so as to allow the accumulation of hazardous and dangerous water on the ground of the hotel room bathroom causing Plaintiff to slip and fall on the accumulated water after taking a shower.

26. The broken or malfunctioning shower which caused the accumulation of water on the floor was a dangerous condition known, or in, the exercise of ordinary and reasonable care should have been known, to defendants, and each of them, in adequate time for a reasonable prudent person to have fixed the defective shower or properly warned persons, including plaintiff, of the dangerous condition.

27. Harrah's and the Tribe knew or should have known of the existence of these the dangerous condition for a sufficient time prior to the incident to have taken measures to protect Plaintiff against the Dangerous Condition.

28. As a proximate result of said negligence of the defendants, and each of them, plaintiff did slip on the subject water exiting the shower of his hotel room, sustaining severe injuries and damages.

29. That as a proximate and direct result of the negligence, recklessness and carelessness of the defendants, and each of them, plaintiff has sustained, and in the future is certain to sustain disabling, serious and permanent injuries, pain, suffering and mental anguish in connection therewith, all to his general damages in a sum according to proof at trial.

30. That as a further, direct and proximate result of the negligence, recklessness and carelessness of the defendants, and each of them, plaintiff, WILLIAM RUETH has incurred and will in the future incur medical and sundry expenses in the examination, care and treatment of his injuries, the exact nature and extent of which are unknown to plaintiff at this time, and plaintiff will ask leave of court to amend this Complaint in this regard when the same are ascertained.

31. A timely Notice of Injury was filed within one hundred eighty (180) days of the incident giving rise to the claim against or with the Rincon San Luiseno Band of Mission Indians or its Tribal Council to the Risk Manager — Administrative Officer at Harrah's Rincon Casino and Resort as required by the Rincon Patron Tort Claims Ordinance.

WHEREFORE, plaintiff prays for judgment against the defendants, and each of them, as follows:

1. For general damages according to proof;
2. For special damages, including property damage, medical and related expenses, in an amount to be determined by proof at trial.
3. For past and future lost earnings in an amount to be determined by proof at trial.
4. For damages for impairment of earning capacity in an amount to be determined by proof at trial.
5. For the costs of suit incurred herein; and
6. For such other and further relief as the court may deem just and proper.

Respectfully submitted:

April 11, 2011

By



OMID KHORSHIDI
Attorney for Plaintiff
WILLIAM RUETH

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILLIAM RUETH

DEFENDANTS

HARRAH'S RINCON CASINO AND RESORT, a business entity, form unknown; et al.

(b) County of Residence of First Listed Plaintiff Los Angeles

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

KHORSHIDI LAW FIRM, 9454 Wilshire Blvd, Suite 702
Beverly Hills, California 90212, Telephone: (310) 273-2211

Attorneys (If Known)

'11CV0772 LAB -RBB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332 Diversity; 28 U.S.C. 1391(c)

Brief description of cause:

Slip and fall accident at an Indian Casino & Hotel

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/12/2011

SIGNATURE OF ATTORNEY OF RECORD



AMIR KHORSHIDI SBN 220799

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE